



PATENT  
Attorney Docket No. 021479-000300US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Sudeep Rikhy et al.

Application No.: 10/691,118

Filed: October 21, 2003

For: "PULL" ARCHITECTURE  
CONTACT CENTER

Customer No.: 20350

Confirmation No. 5332

Examiner: Unassigned

Technology Center/Art Unit: 2121

PETITION UNDER 37 CFR § 1.47(a)  
NONSIGNING INVENTOR

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant Sudeep Rikhy hereby petitions under 37 CFR. §1.47(a) to make application on behalf of himself and on behalf of the nonsigning inventor Paul Rudnick who has refused to sign declaration for the above referenced application. Under this petition, Applicant has met the requirements of 37 CFR. §1.47(a) based upon MPEP 409.03(a) to grant this petition.

MPEP 409.03(a) includes Part (A), Part (B), and Part (C). To meet Part (A), Applicant Sudeep Rikhy has made oath or declaration on his own behalf (Appendix A). Applicant Sudeep Rikhy further requests that the oath or declaration signed by all the available joint inventors (Sudeep Rikhy) with the signature block of the nonsigning inventor (Paul Rudnick) left blank be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor. (See also Appendix A).

Additionally, MPEP 409.03(a) Parts (B) and (C) correspond to MPEP 409.03(d) and (e) respectively. Under MPEP 409.03(d), Applicant has provided an Declaration of Daniel

08/25/2004 BSAYASI1 00000019 201430 10691118

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Sudeep Rikhy et al.  
Application No. 10/691,118

PATENT  
Attorney Docket No. 021479-000300US

Mao averring that inventor Paul Rudnick refuses to sign the declaration after having been presented with the application papers including specification, claims, drawings, and declaration (Appendix B).

Pursuant to MPEP 409.03(e), Applicant states that the last known address of Paul Rudnick is 3650 Old Blackhawk Road, Danville, CA 94506. Accordingly, MPEP 409.03(a) has been met.

The Commissioner is authorized to deduct the following from the undersigned's Deposit Account No. 20-1430:

1. Declaration surcharge fee of \$65.00 pursuant to 37 C.F.R. 1.16(e); and
2. Nonsigning inventor petition fee of \$130.00 pursuant to 37 C.F.R. §1.17(h) under 37 C.F.R. §1.47(a).

Please deduct any additional fees from, or credit overpayment to, this same deposit account.

In view of the foregoing, Applicant submits that the conditions set forth by 37 C.F.R. §1.47(a) have been fully satisfied, and therefore Sudeep Rikhy is entitled to make application on behalf of himself and on behalf of the inventor Paul Rudnick who refuses to sign the declaration. Grant of this Petition is respectfully requested.

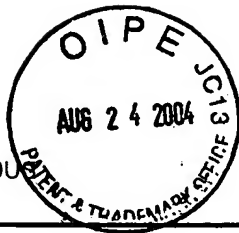
If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Daniel Mao  
Reg. No. 51,995

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
Attachments  
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60285425 v1



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Appendix A

Attorney Docket No.: 021479-000300  
Client Ref. No.:

PTO/SB/01A (08-03)

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)****Title of Invention** "PULL" ARCHITECTURE CONTACT CENTER

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/691,118, filed on October 21, 2003,
- ☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor 1 Sudeep Rikhy Date: 3/19/04  
Signature: Sudeep Singh Rikhy Citizen of: India

Inventor 2 Paul Rudnick Date: \_\_\_\_\_  
Signature: \_\_\_\_\_ Citizen of: United States

Inventor 3 \_\_\_\_\_ Date: \_\_\_\_\_  
Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Inventor 4 \_\_\_\_\_ Date: \_\_\_\_\_  
Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

☐ Additional inventors are being named on additional form(s) attached hereto.



PATENT

Attorney Docket No.: 021479-000300US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Sudeep Rikhy et al.

Application No.: 10/691,118

Filed: October 21, 2003

For: "PULL" ARCHITECTURE CONTACT  
CENTER

Customer No.: 20350

Confirmation No. 5332

Examiner: Unassigned

Technology Center/Art Unit: 2121

DECLARATION OF FACTS RELATING TO  
NONSIGNING INVENTOR UNDER 37 CFR  
1.47(a), MPEP 409.03(d)

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexander, VA 22313-1450

Sir:

I, Daniel Mao, declare as follows:

I hereby declare certain facts surrounding the signing of formal documents, including a declaration, by Paul Rudnick, an inventor who at this time refuses to sign declaration for U.S. Application Serial No. 10/691,118.

I am an attorney representing 5by5 Networks, Inc. ("5by5") in connection with the above referenced application. The named inventors of the subject application are Sudeep Rikhy and Paul Rudnick, all of whom have been employees of 5by5.

At least the following steps have been taken to obtain Mr. Rudnick's signature:

- On March 17, 2004, I sent a letter to Mr. Rudnick, via FEDEX (Tracking No. 792455037818) and enclosed among others, the declaration and the patent application as filed including specification, claims, and drawings. In the letter, I asked him to sign the declaration for the subject application. Based on information retrieved from FEDEX's on-line tracking facility, I believe that the materials were delivered to Mr. Rudnick's residence. Copies of the March 17, 2004 letter, FEDEX Tracking No.

- 792455037818, and a print-out of tracking information for FEDEX Tracking No. 792455037818 are attached as Exhibit 1.
- On March 18, 2004, I sent another letter to Mr. Rudnick, via FEDEX (Tracking No. 790583629996) and asked him again to sign the declaration enclosed in the March 17, 2004 letter. Based on information retrieved from FEDEX's on-line tracking facility, I believe that the materials were delivered to Mr. Rudnick's residence. Copies of the March 18, 2004 letter, FEDEX Tracking No. 790583629996, and a print-out of tracking information for FEDEX Tracking No. 790583629996 are attached as Exhibit 2.
- On April 30, 2004, I again sent a letter to Mr. Rudnick, via FEDEX (Tracking No. 791228771416), enclosing among others, the declaration and the patent application as filed including specification, claims, drawings. In the letter, I asked him to sign the declaration for the subject application. Additionally, I stated that "[i]f you have decided not to review the materials and sign the documents, please let me know so that we act on that basis" and "[i]f I don't hear from you by May 17, 2004, I will assume that you are refusing to sign." Based on information retrieved from FEDEX's on-line tracking facility, I believe that the materials were delivered to Mr. Rudnick's residence. Copies of the April 30, 2004 letter, FEDEX Tracking No. 791228771416, and a print-out of tracking information for FEDEX Tracking No. 791228771416 are attached as Exhibit 3.
- On May 3, 2004, I received from Mr. Rudnick a voice message at my work phone number (650) 752-2470. In the voice message, Mr. Rudnick stated that he had received the package and documentation but would not sign anything and that I would have to proceed without his signature.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Sudeep Rikhy et al.  
Application No. 10/691,118

PATENT  
Attorney Docket No. 021479-000300US

Dated this 20th day of August, 2004, Palo Alto, California, United States.



---

Daniel Mao  
Reg. No. 51, 995

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
Attachments  
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TOWNSEND  
and  
TOWNSEND  
and  
CREW  
III



San Francisco, California  
Tel 415 576-0200

Denver, Colorado  
Tel 303 571-4000

Walnut Creek, California  
Tel 925 472-5000

Seattle, Washington  
Tel 206 467-9600

**Palo Alto**

379 Lytton Avenue  
Palo Alto  
California 94301-1431  
Tel 650 326-2400  
Fax 650 326-2422

**Appendix B  
Exhibit 1  
Page 1 of 4**

March 17, 2004

*Via FEDEX*

Paul Rudnick  
3650 Old Blackhawk Road  
Danville, CA 94506

Re: US Patent Application No. 10/691,118  
For: "PULL" ARCHITECTURE CONTACT CENTER  
Inventors: Sudeep Rikhy and Paul Rudnick  
Filed: October 21, 2003  
Our File No.: 021479-000300US

Dear Paul:

As you know the above-identified patent application was filed without a signed Declaration and an Assignment. We have now received a Notice to File Missing Parts from the U.S. Patent and Trademark Office. The deadline for filing these formal documents is **March 22, 2004**, although extensions of time are available.

Enclosed are the **Declaration** and **Assignment**, and a copy of the patent application as filed with the U.S. Patent Office. Please sign the declaration where indicated first, then sign and date the Assignment second. Also enclosed is a **Supplemental Application Data Sheet**. Any changes to your personal information can be made on this document and we will correct it before forwarding to the Patent Office.

I look forward to receiving the signed documents on or before **March 22, 2004**. I have enclosed a FEDEX envelope for you to return the signed documents to me. Alternatively, you can fax the signed documents to my attention at (650) 326-2422.

If you have any questions, please call me at (650) 326-2400, x5470.

Very truly yours,

Daniel Mao

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Enclosures  
60168212 v1

From: Origin ID: (650)326-2400  
ELEANOR J. TAYLOR  
TOWNSEND AND TOWNSEND AND CREW  
379 LYTTON AVE

PALO ALTO, CA 94301



SHIP TO: (000)000-0000  
PAUL RUDNICK

BILL SENDER

3650 OLD BLACKHAWK ROAD

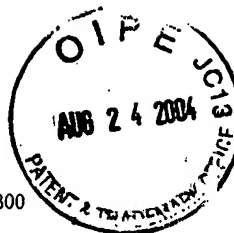
DANVILLE, CA 94506

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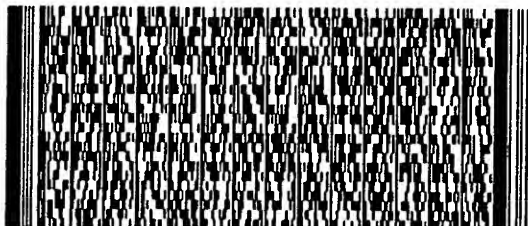
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Appendix B  
Exhibit 1  
Page 2 of 4



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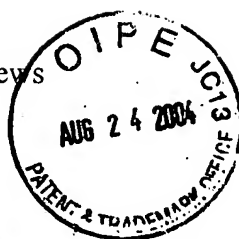
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**Shipper reference number:** 021479-000300US

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Tracking number 792455037818  
 Signed for by 17346768  
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 Delivery date/time Mar 18, 2004 10:11 am

Reference number 021479-000300US  
 Delivered to Recipient  
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Walnut Creek, California  
Tel 925 472-5000

Seattle, Washington  
Tel 206 467-9600

**Palo Alto**

379 Lytton Avenue  
Palo Alto  
California 94301-1431  
Tel 650 326-2400  
Fax 650 326-2422

**Appendix B**  
**Exhibit 2**  
**Page 1 of 4**

March 18, 2004

*Via FEDEX*

Paul Rudnick  
3650 Old Blackhawk Road  
Danville, CA 94506

Re: US Patent Application No. 10/691,118  
For: "PULL" ARCHITECTURE CONTACT CENTER  
Inventors: Sudeep Rikhy and Paul Rudnick  
Filed: October 21, 2003  
Our File No.: 021479-000300US

Dear Paul:

Further to our letter of March 17, 2004, enclosed is a revised **Assignment and Supplemental Application Data Sheet** which reflects the new corporate address for 5 By 5 Networks.

Please sign and date the **Declaration** sent on March 17, 2004 and return by March 22, 2004. Additional, please sign and date the revised **Assignment** and return it to us in the enclosed self-addressed envelope as soon as possible. You can also return it via Fax to my attention at 650-326-2422.

If you have any questions, please call me at (650) 326-2400, x5470.

Very truly yours,



Daniel Mao

DM/ejt  
Enclosures  
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Appendix B  
Exhibit 2  
Page 2 of 4From: Origin ID: (650)326-2400  
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379 LYTTON AVEShip Date: 18MAR04  
Actual Wgt: 1 LB  
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Account#: S \*\*\*\*\*

PALO ALTO, CA 94301

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PAUL RUDNICK

BILL SENDER

OLD BLACKHAWK ROAD

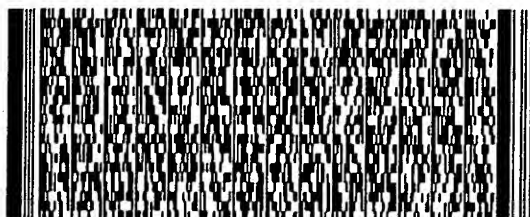
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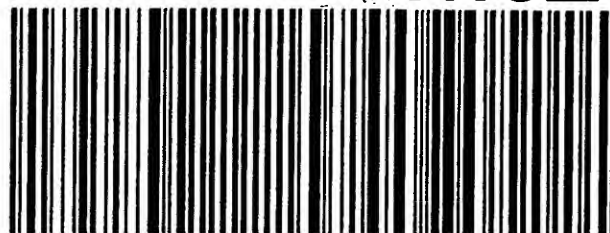
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**Delivery date:** March 22, 2004  
**Delivery time:** 1637  
**Shipper reference number:** 021479-000300US

## Shipping Information

**Tracking number:** 790583629996  
**Shipper:** ELEANOR J. TAYLOR  
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LLP  
379 LYTTON AVE  
PALO ALTO, CA  
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Ship date Mar 18, 2004  
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Reference number 021479-000300US  
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Mar 19, 2004	9:53 am Package status	PLEASANTON CA	Package in FedEx location
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	6:30 am Arrived at FedEx Destination Location	PLEASANTON CA	
	4:36 am Left FedEx Sort Facility	OAKLAND CA	
Mar 18, 2004	9:34 pm Arrived at Sort Facility	OAKLAND CA	
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	4:00 pm Picked up by FedEx	MENLO PARK CA	

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Denver, Colorado  
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Madison, Wisconsin  
Tel 608 477 5000

Seattle, Washington  
Tel 206 467 5000

Palo Alto

1201  
Page 1 of 4

Appendix B  
Exhibit 3  
Page 1 of 4

April 30, 2004

**Via FEDEX**

Paul Rudnick  
3650 Old Blackhawk Road  
Danville, CA 94506

Re: US Patent Application No. 10/691,118  
For: "PULL" ARCHITECTURE CONTACT CENTER  
Inventors: Sudeep Rikhy and Paul Rudnick  
Filed: October 21, 2003  
Our File No.: 021479-000300US

Dear Paul:

This follows up on my letters of March 17, 2004 and March 18, 2004. The Patent Office has set a deadline for filing signed formal documents of March 22, 2004, although extensions of time are available. If you have decided not to review the materials and sign the documents, please let me know so that we act on that basis.

Enclosed are the **Declaration and Assignment**, and a copy of the patent application as filed with the U.S. Patent Office. All of these documents were also sent to you on March 17, 2004 and March 18, 2004. Please sign the declaration where indicated first, then sign and date the Assignment second. Also enclosed is a **Supplemental Application Data Sheet**. Any changes to your personal information can be made on this document and we will correct it before forwarding to the Patent Office.

Please feel free to call me at the number below. If I don't hear from you by **May 17, 2004**, I will assume that you are refusing to sign.

I have enclosed a FEDEX envelope for you to return the signed documents to me. Alternatively, you can fax the signed documents to my attention at (650) 326-2422.

Very truly yours,



Daniel Mao  
Phone: (650) 752-2470  
e-mail: dmao@townsend.com

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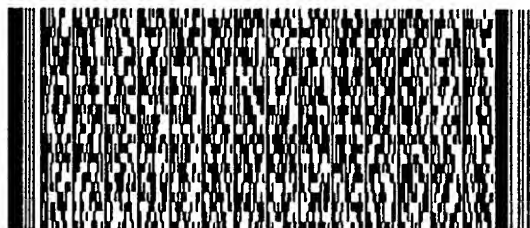
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Appendix B  
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